



# State of New Jersey

JON S. CORZINE  
*Governor*

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
COUNTY ENVIRONMENTAL AND WASTE ENFORCEMENT  
BUREAU OF SOLID WASTE COMPLIANCE AND ENFORCEMENT  
300 HORIZON CENTER  
P.O. BOX 407  
TRENTON NJ 08625-0407  
Tel. (609) 584-4180  
Fax. 609) 588-2444

LISA P. JACKSON  
*Commissioner*

March 24, 2006

## **CERTIFIED MAIL/RRR**

Ford Motor Company/Ford Motor Land Development Corporation  
3 Parklane Blvd.  
Parklane Towers West  
Suite 950  
Dearborn, Michigan 48126  
Edward Chraszcz, Agent  
Represented by:  
John McGahren, Esq.  
Latham and Watkins, LLP  
One Newark Center, 16<sup>th</sup> Floor  
Newark, NJ 07101-3174

MIG/Alberici, L.L.C.  
13040 Merriman Road  
Livonia, Michigan 48150-1816  
John Alberici, President  
Represented by:  
Edward Hogan, Esq.  
Norris, McLaughlin & Marcus, PA  
PO Box 1018  
Somerville, NJ 08876-1018

Edgewood Properties Inc.  
1260 Stelton Rd.  
Piscataway, New Jersey 08854  
Jack Morris, President, CEO  
Represented by Steven G. Sanders, Esq.  
Arseneault, Fassett & Mariano, LLP  
560 Main Street  
Chatham, NJ 07928

**RE: ADMINISTRATIVE ORDER**  
Ford Motor Co. Plant Site  
939 US Highway 1  
Edison Township, New Jersey 08818

Dear Sirs:

Enclosed for service upon you is an Administrative Order issued by the Department in the above referenced matter, pursuant to the provisions of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and/or the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq. and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq.

This Administrative Order is in addition to the Administrative Order of March 8, 2006 and is issued as part of the Department's investigations which have led to new information regarding additional sites that received contaminated concrete waste materials. While the investigations into this matter remain ongoing, the Department urges Respondents to immediately contact the undersigned to implement the provisions of this Administrative Order. Of course, you may request an administrative hearing under the **NOTICE OF RIGHT TO A HEARING** provision in the enclosed Administrative Order.

Should you have any questions concerning the enclosed Administrative Order or the entry into an Administrative Consent Order, please contact Martin McHugh at (609) 984-3285.

Sincerely,

\_\_\_\_\_[Signed on March 24, 2006]\_\_\_\_\_  
Wolfgang Skacel, C.H.M.M. Assistant Commissioner  
Compliance and Enforcement

Enclosure



# State of New Jersey

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LISA P. JACKSON  
*Commissioner*

## IN THE MATTER OF

**Ford Motor Company/Ford Motor Land** : **ADMINISTRATIVE ORDER**  
**Development Corporation** :  
3 Parklane Blvd. :  
Parklane Towers West :  
Suite 950 :  
Dearborn, Michigan 48126  
Represented by:  
John McGahren, Esq.  
Latham and Watkins, LLP  
One Newark Center, 16<sup>th</sup> Floor  
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560 Main Street  
Chatham, NJ 07928

## Respondents

**EA ID # PEA06003 PI U1166**

This Administrative Order is issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter “NJDEP” or the “Department”) by N.J.S.A. 13:1D-1 et seq., and the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and/or the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. and duly delegated to the Assistant Commissioner, Compliance and Enforcement, pursuant to N.J.S.A. 13:1B-4.

### **FINDINGS**

1. Ford Motor Company (hereinafter “Ford”) is a corporation with its principal place of business located in Dearborn, Michigan and which does and did business at locations throughout the State of New Jersey, including specifically, the former Ford Assembly Plant (hereinafter “the Plant Site”) located at 939 Highway 1, Edison Township, Middlesex County.
2. In accordance with the Industrial Site Recovery Act, N.J.S.A. 13:1K-6, the Ford Plant is undergoing a cleanup pursuant to a Remediation Agreement with the Department (ISRA Case #E20020106) and is currently working to complete the investigation and remediation of the Plant Site. Ford entered into this agreement as a result of the plant’s shut down and Ford’s sale of the facility for redevelopment.
3. Ford engaged contractors to remediate the site and prepare it for redevelopment. Certain contractors were engaged to demolish and remove the buildings on the property, including the concrete floor slabs. In February 2004, Ford contracted with MIG Alberici Inc., of Detroit, Michigan (hereinafter Alberici) to perform the demolition as the primary demolition contractor. Alberici sought to reuse the concrete obtained from the site for road bed and other fill projects both onsite and offsite and, in November 2004, obtained approval from the Department to use crushed concrete for reuse purposes on the condition that material was tested for contamination, specifically PCBs, prior to any reuse.
4. As part of the Plant Site remediation and redevelopment, Ford was responsible for characterizing all materials prior to any disposal or reuse. According to the Department’s information, analysis of concrete waste material sampled revealed PCB contamination ranging from non-detect to samples containing greater than 2ppm on the Plant Site. Ford contends that any of the concrete waste material that went off site for reuse contained PCB levels less than 2 ppm.
5. During the demolition, additional contractors were brought onto the site to assist in the removal, transport and distribution of the concrete materials for proper disposal and for reuse at sites around the state that were undergoing development and redevelopment. The Department’s investigation of these parties and their activities as part of this entire matter remains ongoing.
6. To date the Department has received information from Ford that material contaminated at 2 ppm or greater of PCBs was sent for disposal at permitted facilities and that material

containing less than 2ppm was provided to various parties for reuse at development and redevelopment sites. Based on information provided by Ford, Edgewood Properties Inc., a New Jersey Corporation (hereinafter "Edgewood") removed material with concentrations of PCBs in the range from non-detect to less than 2 ppm for reuse.

7. On March 8, 2006, the Department issued an Administrative Order to Ford, Alberici, and Edgewood, requiring them to submit a Response Plan to the Department, to complete the removal of all contaminated concrete waste material transported from Ford Motor Company's Plant Site in Edison and brought to the development and redevelopment sites set forth therein. Since that date, the Department's investigations have identified three additional sites that received potentially contaminated concrete waste material transported from the Plant Site:
  - a. 201 Sevchenko Road – Piscataway
  - b. 154 Stelton Road – Piscataway
  - c. 875 New Durham Road - Edison
8. The Department has determined that Ford, Alberici and Edgewood have failed to comply with applicable requirements pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and/or the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq. and the regulations promulgated thereunder. As the Department continues its investigation into this entire matter, it reserves the right to amend this Order to: a) further define existing parties, their actions and responsibilities; b) to add additional parties; c) to impose additional requirements to protect human health and the environment and d) to identify additional violations and assess appropriate penalties.
9. Based on the facts set forth in these FINDINGS, the Department has determined that Ford, Alberici and Edgewood have violated the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and/or the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq. and the regulations promulgated pursuant thereto, specifically and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq.

### **ORDER**

#### **NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

10. Within seven (7) days of the issuance of this Administrative Order, Respondents shall submit a Response Plan to Department to complete the removal of all contaminated concrete waste material transported from Ford Motor Company's Plant Site in Edison New Jersey and brought to the sites set forth in paragraph 8 above.
11. The Response Plan shall include provisions for the proper disposal of contaminated concrete waste materials at an approved disposal facility permitted to handle the materials as characterized by appropriate sampling.

12. The Response Plan shall include provisions for the requirements set forth below and be submitted and conducted in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E:

- a. A site map identifying the location of the concrete waste material used on each site;
- b. Immediately secure all sites by instituting interim control measures by maintaining covers on all stockpiled concrete material and stormwater run on/run off;
- c. Identify the quantity and nature of material utilized on each site and if necessary, submit a sampling plan for each site;
- d. The time frame to remove all material from each site shall not exceed 30 days after the Department approves removal plans for such site ;
- e. Disposal sites to be used for all material must be identified. All material leaving the site must be transported by a licensed solid waste hauler;
- f. Identify all material that has already been removed from each site including the amount and its disposal destination;
- g. Origin and disposal forms pursuant to Solid Waste Management regulations that identify all material leaving the site must be submitted to the Department. This information shall include weight of material or equivalent cubic yards;
- h. A dust control management plan to control any and all fugitive dust emissions generated during removal and disposal, based on site specific circumstances, that addresses the following:
  1. A real time air sampling plan that will monitor air emissions at department approved human receptor locations at the perimeter of each site;
  2. Air monitoring plan that shall record representative sampling before, during and after any removal of material from the site;
  3. A meteorological station to record wind speed, wind direction, temperature, rainfall and barometric pressure shall be installed on each site. The location of such station shall be determined prior to the removal of any material from the site;
  4. A truck wash system to prevent any material from leaving each site;
  5. No material shall leave the site without prior Department approval;
- i. Post excavation sampling of the former location of the concrete waste material shall be conducted;
- j. Progress reports representing site activity including air monitoring results are to be submitted to the Department and municipal officials on the (1<sup>st</sup>) first and sixth (16<sup>th</sup>) of each month during the removal of material;
- k. A final report addressing procedures taken to eliminate all possible exposure from the removal of this material. Report shall also provide information regarding the effectiveness of dust management plan and sampling results from perimeter monitoring;
- l. Provisions for providing copies of all reports and correspondences with the Department to local officials in municipality of each site;
- m. Identify procedures to cease all activity related to the removal of concrete waste material in the event the Department verifies any problems with the dust management system or in the event that air monitoring system finds that air monitoring standards

- are violated or finds that there are violations of other provisions of this Administrative Order, regulations or law;
- n. Site specific health and safety plans;
  - o. All transporters utilized for the disposal of the material shall be properly registered and licensed by the Department as a solid waste transporter pursuant to NJAC 7:26-3 et seq.;
  - p. Copies of all disposal receipt forms shall be provided to the Department;
  - q. A public information and participation plan that includes the following:
    - 1. Local Notice - Post a notice of "Intended Remediation Activities" in the local newspaper of record of sufficient circulation to be noticed (quarter page) with a) information on the actions being taken and intended time lines, b) company contact name and number, and c) any website developed for public information purposes;
    - 2. Fact Sheets - Create an Information Sheet for each site, including a history of the activities, involvement with DEP, and future steps. Be sure the Information Sheet is dated, includes name & number/email for company contact, and a reference to the Office of Community Relations (1-800-253-5647);
    - 3. Website - Develop and launch a website as a repository for information for the public.

This Order shall be effective upon receipt by Respondents or someone on Respondent's behalf authorized to accept service.

### **NOTICE OF RIGHT TO A HEARING**

13. Pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 13:1E-9(e), Respondents are entitled to request a hearing. Respondents shall, in a request for a hearing, complete and submit the enclosed **ADMINISTRATIVE HEARING REQUEST AND CHECKLIST TRACKING FORM** along with all required information. Submittal or granting of a hearing request does not stay the terms or effect of this **ORDER**.
14. If no request for a hearing is received within twenty (20) calendar days from receipt of this Administrative Order, it shall become a Final Order upon the twenty-first (21<sup>st</sup>) calendar day following its receipt.

### **GENERAL PROVISIONS**

15. This Administrative Order is binding on Respondents their principals, directors, officers, agents, successors, assigns, employees, tenants, any trustee in bankruptcy or other trustee, and any receiver appointed pursuant to a proceeding in law or equity.
16. No obligations imposed by this Administrative Order are intended to constitute a debt, which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of New Jersey, intended to protect the public health, safety, welfare and the environment.

17. This Administrative Order is issued only for the violation(s) identified in the FINDINGS hereinabove and that violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial, being instituted. By issuing this Administrative Order, the Department does not waive its rights to initiate additional enforcement actions.
18. Neither the issuance of this Administrative Order nor anything contained herein shall relieve Respondents of the obligation to comply with all applicable laws, including but not limited to the statutes and regulations cited herein.
19. Unless otherwise directed in writing by the Department, Ford shall submit two (2) copies of all documents required by this Administrative Consent Order to the individual identified below, who shall be the Department's contact for RESPONDENTS for all matters concerning this Administrative Order:

New Jersey Department of Environmental Protection  
Waste Compliance and Enforcement and Release Prevention  
Bureau of Solid Waste Compliance and Enforcement  
300 Horizon Center, P.O. Box 407  
Trenton, New Jersey 08625-0407  
Attention: Rai Belonzi

20. Pursuant to N.J.S.A. 13:1E-9e, the Department is authorized to assess a civil administrative penalty of not more than \$50,000 for each violation, and each day during which the violation continues shall constitute an additional, separate and distinct offense.
21. Pursuant to N.J.S.A. 13:1E-9f, any person who violates the provisions of N.J.S.A. 13:1E-1 et seq. or any code, rule, or regulation promulgated pursuant thereto shall be liable to a penalty of not more than \$50,000 per day to be collected in a civil action, and any person who violates an Administrative Order issued pursuant to N.J.S.A. 13:1E-9c, including this Administrative Order, or a court order issued pursuant to N.J.S.A. 13:1E-9d, or who fails to pay a civil administrative penalty assessed pursuant to N.J.S.A. 13:1E-9e in full after it is due is subject upon order of a court to a civil penalty not to exceed \$100,000 per day of such violations. Each day during which the violation continues constitutes an additional, separate and distinct offense.
22. Pursuant to N.J.S.A. 13:1E-12, the department, after hearing may revoke or suspend the registration issued to any person engaged in solid waste collection or solid waste disposal, including hazardous waste collection or disposal, upon a finding that such a person has violated any provision of the Solid Waste Management Act, or any rule, regulation, or administrative order, or has violated any provision of the laws related to pollution of the waters, air or land surfaces of the State; or has refused or failed to comply with any lawful order of the Department.
23. Pursuant to N.J.S.A. 13:1E-134(a) and N.J.S.A. 52:14B-1 et seq., the department may revoke a solid or hazardous waste license based upon an accumulation of refusals or failures to comply with the Solid Waste Management Act, or any code, rule, regulation or Administrative Order



which may constitute “unreliability”.

24. Pursuant to N.J.S.A. 48:13A-12(b), any person who shall violate any provisions of the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., or the Solid Waste Collection Regulatory Reform Act, N.J.S.A. 48:13A-7 et seq., or any rule, regulation or administrative order adopted or issued pursuant thereto, including an interdistrict, intradistrict or interstate waste flow order, or who shall engage in the solid waste collection or solid waste disposal business without having been issued a Certificate of Public Convenience and necessity, shall be liable to a penalty of not more than \$10,000 for a first offense, not more than \$25,000 for a second offense and not more than \$50,000 for a third and every subsequent offense. Each day during which the violation continues constitutes an additional, separate and distinct offense.
25. Notice is further given that, pursuant to N.J.S.A. 48:13A-12(c), whenever it shall appear to the department, a municipality, local board of health, or county health department, as the case may be, that any person has violated, intends to violate, or will violate any provision of the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., or the Solid Waste Collection Regulatory Reform Act, N.J.S.A. 48:13A-7.1 et seq. or any rule, regulation or administrative order adopted or issued pursuant thereto, the Department, the municipality, local board of health or county health department may institute a civil action in the Superior Court for injunctive relief and for such order relief as may be appropriate in the circumstances and the court may proceed in any action in a summary manner.
26. Notice is further given that, pursuant to the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., specifically N.J.S.A. 48:13A-12(a), any person or officer or agent thereof who shall knowingly violate any of the provisions of this Act or aid or advise in such violation, or who, as principal, manager, director, agent, servant, or employee knowingly does any act compromising a part of such violation, is guilty of a crime of the fourth degree and shall be punished by imprisonment for not more than 18 months or by a fine of not more than \$50,000, or both; and if a corporation by a fine of not more than \$100,000. Each day during which the violation continues constitutes an additional, separate and distinct offense.
27. Notice is further given that, pursuant to N.J.S.A. 48:13A-9, the department shall revoke or suspend the Certificate of Public Convenience and necessity issued to any person engaged in the solid waste collection or disposal business upon a finding that such person has violated any provision of the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., or the Solid Waste Collection Regulatory Reform Act, N.J.S.A. 48:13A-7.1 et seq., or any rule, regulation or administrative order adopted or issued pursuant thereto; or has violated any provision of any laws related to pollution of the air, water or lands of this State; or has refused or failed to comply with any lawful order of the Department; or has had its registration revoked by the Department; or has been denied approval of a license under the provisions of N.J.S.A. 13:1E-126 et seq.; or has had its license revoked by the Department as the case may be.

Ford Motor Co. Edison Plant  
Administrative Order PEA06003 PI U1166

Page # 8

DATE: \_\_\_\_\_

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Wolfgang Skacel, C.H.M.M., Assistant Commissioner  
Compliance and Enforcement

Job No: 35660000      Billing Code:      Case Manager: